



RESOLUTION

URGING THE HAWAII STATE LEGISLATURE TO ENACT LEGISLATION DIRECTING THE STATE DEPARTMENT OF HEALTH TO ADOPT ADMINISTRATIVE RULES FOR THE ESTABLISHMENT AND ENFORCEMENT OF RESIDENTIAL AND COMMERCIAL NOISE STANDARDS.

WHEREAS, the State Department of Health ("DOH") administers Hawaii Revised Statutes ("HRS") Chapter 342F, regarding "Noise Pollution," in the State and the Director of the DOH has the power and authority to administer this chapter; and

WHEREAS, in HRS Chapter 342F "noise pollution" is deemed "excessive noise"; and

WHEREAS, HRS Section 342F-1 further defines "excessive noise" as meaning:

[t]he presence of sound as measured by standard testing devices as established by the noise rules adopted by the department [of health] of a volume or in quantities and for durations which endangers human health, welfare or safety, animal life, or property or which unreasonably interferes with the comfortable enjoyment of life and property in the State or in such areas of the State as are affected thereby.

and

WHEREAS, in 1996, the DOH adopted Hawaii Administrative Rules, Title 11, Chapter 46, titled "Community Noise Control," which states that the purpose of the chapter is to:

[d]efine the maximum permissible sound levels, and to provide for the prevention, control, and abatement of noise pollution in the State from the following excessive noise sources: stationary noise sources; and equipment related to agricultural, construction, and industrial activities. It is also the purpose of this chapter to establish noise quality standards to protect public health and welfare, and to prevent the significant degradation of the environment and quality of life.

and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 16-8

RESOLUTION

WHEREAS, although empowered to do so, the DOH has not adopted any current administrative rules to regulate residential and commercial noise in the State, except for noise from stationary sources and equipment; and

WHEREAS, the Council is often asked to address noise complaints in the community through legislation on the county level, but none of the county agencies or departments are sufficiently equipped or experienced enough to respond to community noise control complaints on a local level; and

WHEREAS, the DOH has the authority and experience to prevent, control, and abate noise complaints in the State; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it hereby urges the State Legislature to enact legislation, such as that set out in Exhibit A, mandating the State Department of Health to adopt administrative rules for the establishment and enforcement of residential and commercial noise standards; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Governor, President of the State Senate, Speaker of the State House of Representatives, and Director of the State Department of Health.

INTRODUCED BY:

DATE OF INTRODUCTION:

JAN 6 2016

Honolulu, Hawaii

Councilmembers

JUSTIFICATION SHEET

PROPOSER: The Honolulu City Council

TITLE: A Bill for an Act Relating to Noise Control

PURPOSE: The proposed bill will require the Director of the Department of Health to adopt administrative rules to establish and provide for the enforcement of residential and commercial noise standards.

MEANS: Amends Section 342F-31 of the Hawaii Revised Statutes ("HRS").

JUSTIFICATION: This proposed bill is necessary because the Department of Health has the power and authority under HRS Chapter 342F to adopt rules to prevent, control, and abate residential and commercial noise in the State, but has failed to do so. Residential and commercial noise complaints have been increasing and the Department of Health is unable to address those complaints since there are no administrative rules in place to address them.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO NOISE CONTROL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 342F-31, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§342F-31 Rules; specific.** (a) The director shall establish
4 by rule standards for the control of residential and commercial
5 noise and for the enforcement of these standards.

6 (b) The director may establish by rule:

7 (1) The control of vehicular noise; and

8 (2) Other specific areas for control of excessive
9 noise, thereby allowing for varying conditions."

10

11 SECTION 2. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon approval.

13

14 INTRODUCED BY: _____

15

EXHIBIT A

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 16-8

Introduced: 01/06/16 By: TREVOR OZAWA

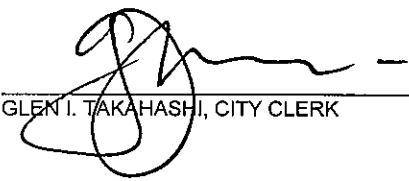
Committee: EXECUTIVE MATTERS AND
LEGAL AFFAIRS

Title: RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO ENACT LEGISLATION DIRECTING THE
STATE DEPARTMENT OF HEALTH TO ADOPT ADMINISTRATIVE RULES FOR THE ESTABLISHMENT
AND ENFORCEMENT OF RESIDENTIAL AND COMMERCIAL NOISE STANDARDS.

Voting Legend: * = Aye w/Reservations

01/12/16	EXECUTIVE MATTERS AND LEGAL AFFAIRS	RESOLUTION DEFERRED IN COMMITTEE.
02/09/16	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-30 - RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
02/17/16	COUNCIL	CR-30 AND RESOLUTION 16-8 WERE ADOPTED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER